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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/028,574

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Kenneth Sugrim Singh

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10/30/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/028,574

Applicant(s)

SINGH, KENNETH SUGRIM

Examiner

Michael Van Handel

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER

Regarding claims 1, 8, 15, and 22, the applicant argues that Harrison does not teach or suggest a shell that executes scripts that control demodulation of broadcast programming. The examiner respectfully disagrees. Harrison discloses a multimedia computer comprising a processor 102 for processing data and instructions and a main memory 103 for storing data and instructions for the processor 102 (col. 3, l. 6-13 & Fig. 1). Harrison also discloses an alphanumeric input device 106 for communicating information and command selections to the processor 102 (col. 3, l. 25-27). The examiner notes that the applicant defines a script as text-based sequences of instructions or commands for controlling the operation of a video receiver (p. 8, l. 3-5). Harrison discloses allowing a user to define actions to be taken upon detecting text of interest on a given channel. As an example, Harrison discloses monitoring the business channel so that anytime the word "Intel" is detected, the tuner automatically pre-empts the current channel being displayed (col. 4, l. 47-50 & Figs. 3a, 3b). Thus, the examiner maintains that Harrison discloses "scripts" as claimed. The examiner notes that the applicant defines a shell as an interactive program employed to create and run scripts (p. 2, paragraph 13). As pointed out by the applicant, "interactive" is defined by the Merriam-Webster online dictionary as reciprocally active or involving the actions or inputs of a user as with an electronic communication system that involves a user's responses (<http://www.m-w.com/dictionary/interactive>). Harrison discloses allowing a user to define a list of text of interest and corresponding actions to be taken (col. 4, l. 43-48 & Figs. 3a, 3b). The profile unit comprises a priority storage location that stores priority data programmed by the user to prioritize each channel being monitored (col. 4, l. 58-62 & Fig. 3a). The profile unit 260 allows the user the flexibility to reprogram channel selections in the channel storage location (col. 5, l. 9-11). The profile unit 260 also includes a trigger storage location and action storage location, for storing items of interest corresponding to each pre-programmed channel and the particular action to take once the trigger item is detected. The user programs items of interest that are monitored by the analyzing unit 250 for each channel (col. 5, l. 12-16). The user can also reprogram the contents of the profile unit 260 (col. 5, l. 35-40). The interactive program that allows the user to program and reprogram information in the profile is shown in Figures 3a and 3b. Since the processor 102 accepts user commands and forwards them to appropriate components over bus 101 (col. 3, l. 1-33), the examiner interprets the processor 102 to be of conventional nature, that is, it is the component of a computer system that performs the basic operations (as processing data) of the system, that exchanges data with the system's memory or peripherals, and that manages the system's other components (see <http://www.m-w.com/dictionary/cpu>). Even if this is not the case; however, the figures clearly show that a user can create and modify priorities, channel indicators, triggers, and actions to be taken. Therefore, the examiner maintains that Harrison discloses a shell. The examiner acknowledges the applicant's argument that it is the SPSU 104 that selects the audio/video signals to display and that the input device 106 does not provide interactive communication between the SPSU 104 and the user; however, it is the program that executes the instructions contained in the profile unit that operates as a shell. Since Harrison shows the profile unit 260 as being an integral part of the SPSU (Fig. 2), and since the user can clearly program and re-program information within the profile unit (as discussed above), the user can clearly communicate with the SPSU. The examiner also acknowledges the applicant's argument that the claims include a shell, and not merely the performance of the shell; however, the examiner interprets that which performs as a shell to be a shell as claimed. Since Harrison clearly discloses that a user can program and re-program information in the profile unit, the examiner maintains that Harrison discloses a shell that executes scripts that control demodulation of broadcast programming, as currently claimed.

Regarding claims 8 and 15, the applicant argues that Harrison does not teach or suggest a video receiver that includes a scripting system that includes a shell for executing program selecting scripts. The examiner respectfully disagrees. The examiner maintains that Harrison discloses a shell for executing program selecting scripts (see arguments above). Harrison also discloses that the information stored in the profile unit 260 causes the tuner to automatically pre-empt the current channel being displayed (col. 4, l. 49-50). The examiner interprets such functionality as meeting the limitation "a scripting system for extending unattended control capabilities for the video receiver," as currently claimed.

Regarding claims 4, 11, and 18, the applicant argues that Harrison does not disclose that the at least one script executed by the shell controls operation of the video receiver to cause the selected broadcast programming to be demodulated and transmitted to a recording device. The examiner respectfully disagrees. Specifically, the applicant argues that Harrison discloses that an arbitrating unit 270 (not an executing script) determines which channel to display/record on the display/record unit based on the prioritized items of interest (col. 4, l. 8-11, 54-56). The examiner emphasizes the phrase "based on the prioritized items of interest." Since the user defines the priorities, channels, triggers, and actions in the profile unit 260, the examiner maintains that Harrison discloses "at least one script executed by the shell controls operation of the video receiver to cause the selected broadcast programming to be demodulated and transmitted to a recording device," as claimed.

Regarding claims 6, 7, 13, 14, 20, and 21, the applicant argues that Zigmond et al. does not make up for the conceded deficiencies (at least one script being received with a broadcast programming stream or from an external source separate from a broadcast programming stream) of Harrison. The examiner respectfully disagrees. Zigmond et al. discloses receiving logical address links associated with television programs from suppliers. Real-time logical address links are valid for a predetermined time after receipt, whereas batch mode logical address links typically also define a time interval, such as a start time and an end time (col. 6, l. 56-61). If a logical address link is valid, an indication that the logical address link is associated with a currently viewed television program is visually and/or audibly provided to the viewer (col. 9, l. 17-24). The applicant specifically argues that such time intervals are not scripts that include a sequence of commands for demodulating selected broadcast programming. The examiner notes that Harrison discloses scripts with a sequence of commands for demodulating selected broadcast programming (see arguments above). As stated in the Office Action mailed 8/08/2006, Zigmond et al. discloses text-based instruction data that is received by a set-top box and executed according to the instructions contained therein. The examiner interprets this text-based instruction data to be a "script," as currently claimed. The logical address link is received either in a broadcast video signal (col. 10, l. 16-22) or from a different data supplier (col. 9, l. 62-67 & col. 10, l. 1-3, 13-15). The examiner relies upon Zigmond et al. to teach receiving scripts in a broadcast video signal or from a different data supplier. Zigmond et al. further states a need for a more intelligent mechanism for communicating instruction data (col. 2, l. 28-29). Thus, the examiner maintains that Zigmond et al. sufficiently remedies the deficiencies of Harrison and that it further be obvious to modify Harrison to receive receive text-based instruction data either in broadcast programming or from a different data supplier, such as that taught by Zigmond et al. in order to provide an intelligent mechanism for communicating instruction data.